

## Message Text

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ACTION EA-06

INFO OCT-01 SS-14 ISO-00 SCA-01 L-01 NSC-05 NSCE-00  
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P R 210639Z APR 77  
FM USLO PEKING  
TO SECSTATE WASHDC PRIORITY 7640  
INFO AMCONSUL HONG KONG

C O N F I D E N T I A L PEKING 0781

LIMDIS

FOR SCA AND EA/PRCM

E.O. 11652: GDS  
TAGS: CASC, CH (CHAO YUN-HUI)

SUBJ: W/W CHAO YUN-HUI

REF: PEKING 733

1. SUMMARY: USLO CONOFF MET WITH MFA CONSULAR DEPARTMENT  
APRIL 20 ON CHAO CASE. CHINESE POSITION IS THAT CHAO IS  
A CHINESE CITIZEN AND MUST APPLY FOR EXIT PERMIT UNDER  
CHINESE REGULATIONS. USLO BELIEVES CHAO MAY BE GRANTED  
PRC PASSPORT AND EXIT PERMIT. END SUMMARY.

2. PROPOSED ACTION: USLO PLANS TO SEND CHAO LETTER  
ALONG STANDARD "PRO-FORMA B-2" LINES AND WAIT ONE MONTH  
FOR ANY RESPONSE FROM CHINESE GOVERNMENT OR CHAO HERSELF  
BEFORE RECOMMENDING FURTHER ACTION. SEE ALSO PARA 8 BELOW.

3. CONOFF MET WITH MFA CONSULAR DEPARTMENT DEPUTY  
DIVISION CHIEF CHEN HUI APRIL 20 TO DISCUSS CHAO CASE.  
AFTER HEARING USLO PRESENTATION (REFTEL), CHEN GAVE  
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MFA'S PREPARED POSITION:

--CHAO YUN-HUI IS A CHINESE CITIZEN. HER NATIONALITY  
IS VERY CLEAR. SINCE 1950 SHE HAS ENJOYED THE RIGHTS  
AND MET THE OBLIGATIONS OF A CHINESE CITIZEN. THERE  
CAN BE NO QUESTION ABOUT HER CITIZENSHIP. BECAUSE  
SHE IS A CHINESE CITIZEN, SHE MUST SUBMIT HER EXIT

APPLICATION TO THE CONCERNED AUTHORITIES HERSELF.  
THIS IS THE GENERAL WAY CHINA DEALS WITH EXIT FOR  
CHINESE CITIZENS.

--USLO DID NOT OBTAIN THE CONCERNED DEPARTMENT'S  
PERMISSION TO ISSUE CHAO A PASSPORT. AS HAS BEEN  
POINTED OUT MANY TIMES IN THE PAST, USLO SHOULD NOT  
ISSUE PASSPORTS TO CHINESE CITIZENS (SIC). WE HOPE  
USLO WILL PAY SERIOUS ATTENTION TO MAKING CERTAIN SUCH  
CASES DO NOT OCCUR AGAIN, AND WILL RESPECT THE  
REGULATIONS OF THE CONCERNED DEPARTMENT OF THE CHINESE  
GOVERNMENT.

4. AFTER HEARING CHEN'S STATEMENT, CONOFF STATED  
THAT THE USG DID NOT QUESTION THE RIGHT OF THE CHINESE  
GOVERNMENT TO DETERMINE WHO IS AND WHO IS NOT A  
CHINESE CITIZEN UNDER CHINESE LAW. SIMILARLY, CONOFF  
HOPED PRC WOULD NOT QUESTION THE USG'S RIGHT TO  
DETERMINE AMERICAN CITIZENSHIP UNDER AMERICAN LAW,  
AND WOULD UNDERSTAND WHY THE USG WAS COMPELLED TO  
CONSIDER CHAO A USC. THE MUTUALLY IRRECONCILABLE  
VIEWS OF THE PRC AND USG IN THE MATTER OF CHAO'S  
CITIZENSHIP, HOWEVER, SHOULD NOT BE AN IMPEDIMENT  
TO HER DESIRE TO RETURN TO THE US. THE TWO GOVERN-  
MENTS, IN KEEPING WITH THE SPIRIT OF THE SHANGHAI  
COMMUNIQUE, AND WITH A VIEW TOWARDS PROMOTING THE  
FRIENDSHIP BETWEEN THE CHINESE AND AMERICAN PEOPLE,  
SHOULD FACILITATE CHAO'S TRAVEL TO THE US. TOWARD  
THAT END, THE USG WAS PREPARED TO OFFER CHAO  
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FINANCIAL ASSISTANCE FOR REPATRIATION AND RESETTLE-  
MENT, AND WOULD ACKNOWLEDGE THE VALIDITY OF ANY  
TRAVEL DOCUMENT THE CHINESE GOVERNMENT THOUGHT  
APPROPRIATE FOR CHAO TO USE IN DEPARTING THE PRC.  
SINCE CHAO HAD STATED SHE WISHED TO TRAVEL AS SOON  
AS POSSIBLE, CONOFF HOPED PRC CONCERNED DEPARTMENTS  
WOULD ASSIST HER TO COMPLETE EXIT FORMALITIES IN  
ACCORDANCE WITH APPROPRIATE PRC REGULATIONS, SO  
THAT SHE COULD DEPART AT AN EARLY DATE.

5. CHEN PARAPHRASED ORIGINAL STATEMENT, AGAIN  
CHIDING USLO FOR ISSUING PASSPORT WITHOUT PERMISSION.  
CONOFF ASKED IF CHEN MEANT THAT CHINESE REGULATIONS  
PRECLUDED ISSUANCE OF US PASSPORTS IN PRC WITHOUT  
PRIOR CHINESE PERMISSION. CHEN REPEATED THAT IT  
WAS AGAINST PRC REGULATIONS TO ISSUE PASSPORTS TO  
CHINESE CITIZENS WITHOUT PERMISSION, AT WHICH POINT  
CONOFF STATED THE OBVIOUS: USLO DOES NOT ISSUE  
PASSPORTS TO CHINESE CITIZENS. USLO ONLY ISSUED

PASSPORTS TO AMERICAN CITIZENS. CHEN THEN DROPPED THE MATTER, AND EVEN SMILED (NO DOUBT AT THE LINGUISTIC ABSURDITIES ENGENDERED BY TWO GOVERNMENTS' NON RECOGNITION OF THE REALITY OF DUAL NATIONALITY).

6. AFTER A HYPOTHETICAL DISCUSSION OF THE PROCEDURES CHAO SHOULD FOLLOW "IF" SHE WERE ALLOWED TO LEAVE PRC, DURING WHICH CONOFF REITERATED USC'S DESIRE FOR A SPEEDY RESOLUTION TO THE MATTER, AND CHEN ONCE AGAIN REPEATED ORIGINAL STATEMENT, MEETING ENDED.

7. COMMENT: DESPITE HARSH WORDS ABOUT USLO'S ACTIONS, ATMOSPHERICS AT FORTY-MINUTE MEETING WERE GOOD. CHEN, AN ELDERLY, GRAY-HAIRED LADY WITH A GENTLE MANNER, IS NOT THE CONSULAR DEPARTMENT'S FIRST-STRING HATCHETMAN WHEN USLO IS IN LINE FOR A PROTEST, AND MEETING ENDED WITH FRIENDLY WAVES AT CONFIDENTIAL

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MFA'S MAIN ENTRANCE. THIS, AS WELL AS OTHER INDICATIONS AT MEETING, LEAD US TO BELIEVE THAT CHINESE MAY BE WILLING TO ALLOW CHAO TO DEPART PRC ON CHINESE PASSPORT. CHEN, FOR INSTANCE, VOLUNTEERED THE INFORMATION ON PROCEDURES CHAO SHOULD FOLLOW TO EXIT PRC AS A CHINESE CITIZEN, AND LET HERSELF BE ENGAGED IN THE HYPOTHETICAL DISCUSSION NOTED IN PARA 6. THIS WAS NOT DONE IN ARCHIE LEE AND DANIEL KELLY CASES. CHEN ALSO DID NOT STATE THAT MFA WOULD ENTERTAIN NO FURTHER REPRESENTATIONS BY USLO ON CHAO'S BEHALF, AGAIN A DEPARTURE FROM LEE AND KELLY CASES.

8. PROPOSED ACTION: SINCE USLO HAS NOT YIELDED ON THE QUESTION OF CHAO'S US CITIZENSHIP, NOR, FOR THAT MATTER, BEEN EXPLICITLY PROHIBITED FROM FURTHER CONTACT WITH HER, WE PLAN TO WRITE HER A LETTER TELLING HER WE HAVE DISCUSSED HER CASE WITH THE MFA, AND THAT MFA'S ADVICE IS TO APPLY FOR EXIT DOCUMENTATION AS PRC CITIZEN. LETTER WILL ALSO GUARANTEE AVAILABILITY OF VISA, AS IN STANDARD "PRO-FORMA B-2" LETTER. WE THEN PROPOSE TO WAIT ONE MONTH TO SEE WHAT DEVELOPS BEFORE RECOMMENDING FURTHER ACTION.

9. REQUEST DEPARTMENT'S CONCURRENCE IN ACTION PROPOSED PARA 8.  
GATES

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## Message Attributes

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